

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

EUGENE ALVIN BROXTON. §
§
PETITIONER. §
§
v. § C.A. NO. _____
RICK THALER, DIRECTOR, TEXAS § CAPITAL HABEAS PETITION
DEPARTMENT OF CRIMINAL JUSTICE, § DEATH PENALTY CASE
INSTITUTIONAL DIVISION. §
§
RESPONDENT. §

HABEAS CORPUS PETITION-EXHIBITS(SECTION 1)

1. Affidavit of Dr. A. David Axelrad

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

EUGENE ALVIN BROXTON. §
Petitioner, §
§
v. § C.A. NO. _____
§ CAPITAL HABEAS PETITION
RICK THALER, DIRECTOR, § DEATH PENALTY CASE
TEXAS DEPARTMENT OF §
CRIMINAL JUSTICE. §
Respondent. §

AFFIDAVIT OF A. DAVID AXELRAD, M.D.

STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME the undersigned authority, on this day personally appeared A. DAVID AXELRAD, M.D., known to me to be the person whose name is subscribed to his statement, and who upon his oath, deposed and stated as follows:

"My name is A. David Axelrad. I am over the age of eighteen years old and I am in all ways qualified to testify to the matters contained herein based on my personal knowledge.

"I have been retained to assist as a potential expert witness in the capital habeas proceedings on behalf of the petitioner, Eugene Broxton. I was employed under this Court's order signed on December 2, 2010. Attached is a current curriculum vitae and a list of the attorneys I have worked with over the past years. I am regularly appointed by both the federal and state courts to act as an expert forensics psychiatrist. Since 1976 I have been qualified as an expert and testified in over 1500 cases in both the federal and state courts in both Texas and California.

"In connection to the Broxton case, I have been employed to review documents and render an opinion on various issues related to Mr. Broxton's mental status and the psychiatric/psychological testimony that was put forth in both the 1992 and 2003 trials of Mr. Broxton on capital murder charges for the death of Sheila Dockens. Attached hereto is a true and correct copy of my report prepared in connection with this case, as if the report, which is incorporated in this affidavit by reference as if the testimony contained in the report were fully stated herein.

"Affiant sayeth no more."

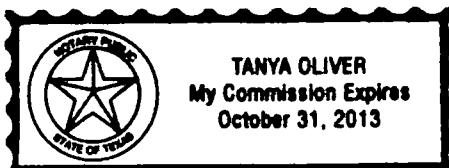


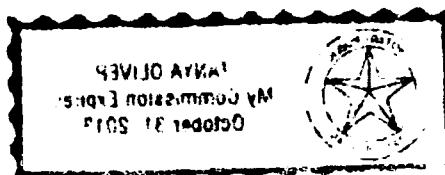
A. DAVID AXELRAD

SIGNED under oath before me on this 18 day of January, 2011.



Tanya Oliver
NOTARY PUBLIC, STATE OF TEXAS







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FORENSIC PSYCHIATRIC CONSULTATION

EUGENE ALAN BROXTON

JANUARY 17, 2011

**UNITED STATES DISTRICT FOR THE SOUTHERN DISTRICT OF TEXAS,
HOUSTON DIVISION**

***EUGENE ALAN BROXTON, PETITIONER V. RICK THALER,
DIRECTOR OF TEXAS DEPARTMENT OF CRIMINAL JUSTICE,
INSTITUTIONAL DIVISION***

NO. 4:10-MC-00048

I. IDENTIFYING INFORMATION AND BACKGROUND INFORMATION

Mr. Eugene Alan Broxton is currently appearing before the United States District Court for the Southern District of Texas, Houston Division, in a Petition concerning his punishment hearing in the District Court of Harris County, Texas, 209th Judicial District, before the Honorable Judge Michael T. McSpadden. This trial was convened by Judge McSpadden following the Defendant's original conviction and a subsequent punishment hearing concerning the *State of Texas v. Eugene Alan Broxton*. The punishment hearing concerning Mr. Broxton's charge of Capital Murder was convened in Judge McSpadden's court on May 5, 1992.

Following the hearing that was convened on November 13, 2003, the jury did provide a verdict of capital punishment. The current proceedings in the District Court before the Honorable Judge Vanessa D. Gilmore have been filed by Mr. Broxton's appellate attorney, Mr. Robert M. Rosenberg, attorney at law, at 3303 Main Street, Suite 305 in Houston, Texas 77002.

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In the month of December 2010, Mr. Rosenberg did contact my office and requested that I provide a forensic psychiatric consultation concerning matters involving Mr. Broxton's previous punishment hearing, which was convened on November 13, 2003, because the expert that was retained by Mr. Broxton's previous attorneys for the punishment hearing in November 2003 was the same expert who was employed by the State during Mr. Broxton's previous punishment hearing, which was convened on May 5, 1992. Mr. Rosenberg did request that I review some testimony from the previous punishment hearing that was convened on May 5, 1992, before the Honorable Judge Michael T. McSpadden.

Mr. Rosenberg also advised me during the course of this referral that Walter Quijano, Ph.D., was retained by the defense attorneys for the punishment hearing convening on November 13, 2003. Mr. Rosenberg also advised me that Mr. Broxton's two attorneys, Mr. R.P. "Skip" Cornelius and Mr. Thomas D. Moran, did make a decision to retain Dr. Quijano to undertake an interview of their client and provide testimony concerning future dangerousness with full knowledge that Dr. Quijano had been previously retained by the State for the purposes of providing testimony concerning future dangerousness in the punishment hearing convened on May 5, 1992. In view of the above considerations, Mr. Rosenberg did request that I undertake a review of transcripts of testimony in both the earlier punishment hearing on May 5, 1992, and transcripts of testimony in the subsequent hearing convened on November 13, 2003, and November 14, 2003.

Following my receipt and review of these records, which will be addressed in a subsequent section of this report, I did advise Mr. Rosenberg that it would be necessary for me to undertake an interview of his client in view of the information I reviewed in the transcripts of the testimony. Further, I also advised Mr. Rosenberg that it would be essential and necessary for Mr. Broxton to undergo a neuropsychological evaluation for the purposes of determining whether Mr. Broxton is suffering from sustained brain injury as a result of his significant history of crack cocaine abuse. I advised Mr. Rosenberg that I would be able to provide a report concerning my forensic analysis of the transcripts, and I would be able to address certain forensic questions he posed to me during the course of the referral.

II. REFERRAL SOURCE AND REASON FOR REFERRAL

Mr. Broxton has been referred to me by his attorney, Mr. Robert M. Rosenberg. On December 7, 2010, Mr. Rosenberg advised me that he had obtained approval from Judge Gilmore authorizing the hiring of a mental health expert for the purposes of consulting with him concerning issues involved in Mr. Broxton's previous hearing and its relationship to the fact that the principal forensic expert retained by his attorneys in the hearing convened on November 13, 2003, was the same dangerousness forensic expert who had been retained by the District Attorney in the original punishment hearing convened on May 5, 1992.

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III. FORENSIC QUESTIONS

- A. Based upon my review of the testimony of Walter Quijano, Ph.D., during the hearing convened on May 5, 1992, did his attorneys take into consideration the scope of Dr. Quijano's previous testimony and the significant limitations of his previous testimony when he testified for the State in the original 1992 hearing?
- B. What is my expert opinion concerning whether the Defense Attorneys had a sufficient dialogue with Dr. Quijano before the hearing on November 13, 2003, to ensure that he was able to take into account enough information to render a medical opinion regarding Mr. Broxton's mental health at the time of the commission of the alleged offense and his mental health that might be mitigating for the punishment hearing in his original testimony in 1992 and his subsequent testimony on November 13, 2003?
- C. Given the nature and scope of Dr. Quijano's original testimony and his subsequent testimony in the 2003 hearing, was Dr. Quijano able to render an opinion concerning future dangerousness in a prison society rather than the more global society?
- D. Are there any circumstances, based upon my experiences as a forensic psychiatrist, which would dictate that a Defense Attorney would call a mental health expert on future dangerousness who is going to testify that the patient is a future danger and, if so, is this such a case?
- E. What is my opinion concerning Dr. Quijano's testimony that Mr. Broxton has an Antisocial Personality Disorder in view of the fact that Dr. Quijano did not undertake any psychological or neuropsychological testing and, further, did not examine Mr. Broxton at the time he gave his original testimony in May 1992?
- F. Based upon the testimony of Wendell Dickerson, Ph.D., who was an expert called by one of Mr. Broxton's attorneys, Mr. Tom Moran, who was also one of the attorneys who represented Mr. Broxton in the 2003 hearing, what is my opinion concerning the testimony of Dr. Dickerson and Dr. Quijano in the original punishment hearing in May 1992?
- G. Given my review of Dr. Quijano's testimony during the original hearing in May 1992 and the questionable methodology utilized in that case, what is my opinion concerning Mr. Broxton's attorneys selecting Dr. Quijano as their forensic expert as to dangerousness in the second trial?

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IV. QUALIFICATIONS OF THE EXAMINER

I attended Vanderbilt University from 1961 to 1965, graduating Vanderbilt University with a BA degree. Following graduation from Vanderbilt University, I attended the University of Houston Graduate School from 1965 to 1968. I graduated from the University of Houston Graduate School with an MS degree in biology/physiology (Thesis: Influence of Fasting and Alloxan Diabetes on the Active Transport of Monosaccharides by the Rat Intestine.) I attended The University of Texas Medical Branch at Galveston from 1966 to 1970. I was elected into the Alpha Omega Alpha Honorary Medical Society in 1969. I was awarded the MD degree – Magna Cum Laude – in 1970.

I undertook a straight medicine internship at the Sacramento Medical Center of the University of California, Davis, from 1970 to 1971. I attended the University of California, Davis, Department of Psychiatry from 1971 to 1974 and graduated from this residency program in 1974.

Following completion of my straight medicine internship at the Sacramento Medical Center of the University of California, Davis, from 1970 to 1971, I was licensed to practice medicine in the state of Texas. During my training in California, I was also licensed to practice medicine in the state of California. I have maintained both licenses in Texas and California throughout the course of my professional activities.

Following the completion of my training in psychiatry in 1974, I was inducted into the United States Army, and I served in the United States Army with the rank of Major. During the course of my military services, I served as Chief of one of the inpatient services at Walter Reed Army Medical Center in 1974; and I was subsequently transferred to Fort Ord, California, where I was appointed Chief of Mental Hygiene at Fort Ord, California. During the course of my military service, I also served as President of the Sanity Board in the Military Judicial District headquartered at Fort Ord, California, from 1974 until 1976.

I was actively involved in state and national associations during the course of my house-staff training at the University of California, Davis. I served as the First Chair of the Interns and Residents Business Section of the American Medical Association from 1972 to 1973.

I also served as a member of the Council on House Staff Affairs of the American Medical Association from 1972 to 1974. During my service on the Council, I did chair a major conference of the American Medical Association – the 1973 AMA Coordinating Conference for House Staff – which led to significant changes that occurred in house-staff training as a result of the Conference's actions.

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I also served as President of the Sacramento Association of Interns and Residents from 1972 to 1973 and as Chair of the Statewide Association of Interns and Residents for the University of California. I served in this capacity from 1973 until 1974.

I underwent psychoanalytic training at the Houston-Galveston Psychoanalytic Institute from 1996 to 2000. I graduated with a Certificate in Adult Psychoanalysis in September 2000.

I am a practicing psychiatrist who specializes in Adult Psychiatry, Neuropsychiatry, Pain Medicine, Psychoanalysis, and Forensic Psychiatry. I am Board-certified by the American Board of Psychiatry and Neurology in General Psychiatry (April 1978 – Certificate #17308); Forensic Psychiatry (Certificate #22), and Pain Medicine (Certificate #102).

During the course of my career, I practiced in all of the above specialties. In addition, I also served as Director of Neuropsychiatry for the Del Oro Rehabilitation Institute in Houston, Texas. During the course of my service as the Director of Neuropsychiatry, I was responsible for supervision of neuropsychiatric services in the Institute. During the course of this service, I did undertake numerous diagnostic evaluations and neuropsychiatric interventions of patients who suffered from neurological injury and traumatic brain injury and who were undergoing treatment in the Rehabilitation Institute. I have continued to undertake outpatient assessment and treatment of patients suffering neurological injury, who require neuropsychiatric interventions.

During the course of my pain medicine practice in California and Texas, I have provided services for patients who experience chronic pain. My pain medicine practice consists of diagnostic evaluations of patients who experience chronic pain. Following such evaluations, I will generally develop behavioral pain medicine interventions for the patients.

During the course of my pain medicine practice in both California and Texas, I have directed multidisciplinary pain medicine teams who provide multidisciplinary interventions, including behavioral medicine interventions and physical medicine interventions. During my pain medicine practice in California, I developed a Pain Medicine Center in Sacramento, California, which did provide interdisciplinary interventions for patients who suffer chronic pain. Following my move from California to Texas in 1983, I continued providing such multidisciplinary pain services for patients experiencing chronic pain syndromes. I have served as the Medical Director of several Hospital-Based Pain Medicine Centers during the course of my pain medicine practice in Houston, Texas. Further, I have also provided medical direction of Outpatient Pain Medicine Centers, providing pain management services to patients who suffer chronic pain syndromes.

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I also served as a member of the Board of Directors of the National Pain Foundation from 1983 until 1990. During the course of service on this Board, I initially served as the Medical Director of the National Pain Foundation and was subsequently elected the Chair of the Board of Directors of the National Pain Foundation in 1985. This Foundation sponsored major statewide and national symposia on pain during the time of my service on the Board of Directors of the National Pain Foundation.

During my career, I have undertaken numerous assessments for alcohol and other chemical dependency. These assessments have also been a part of a drug abuse treatment program that I supervised and monitored during my experiences as a director of pain medicine centers, both inpatient and outpatient centers. During the course of my career I have also served as the Medical Consultant to the Center for Recovering Families, providing psychiatric consultation and interventions for patients undergoing chemical dependency and alcohol dependency interventions at the Center for Recovering Families in Houston, Texas.

I also served as the Medical Review Officer for the Continental Basketball Association. The scope of my duties as the Medical Review Officer for the Continental Basketball Association included diagnostic assessment interviews of professional basketball players who were employed by the various team owners in the Continental Basketball Association. My scope would include diagnostic assessments of athletes who demonstrated positive tests on drugs screens and other tests administered to the professional athletes playing basketball for the Continental Basketball Association. In addition, I would also interface with various drug treatment programs in referring such professional athletes to the programs for interventions required in the employment agreements between the professional basketball players and team owners in the Continental Basketball Association.

During my practice in Houston, Texas, I completed psychoanalytic training in adult psychoanalysis at the Houston-Galveston Psychoanalytic Institute. I have also been involved in ongoing training as a child psychoanalyst and am presently an advanced candidate in a child psychoanalytic training program at this institute.

In addition, I have provided hypnotherapy for patients who experience habit disorders, chronic medical problems, chronic pain disorders, and anxiety disorders. I have provided self-hypnosis training for such patients to facilitate their medical and psychiatric management. I am the Senior Author of a Chapter entitled *Hypnosis in the 9th Edition of Kaplan & Sadock's Comprehensive Textbook of Psychiatry* edited by Benjamin Sadock, M.D.; Virginia Sadock, M.D.; and Pedro Ruiz, M.D., published in 2009 by Lippincott Williams & Wilkins.

The second author of this Chapter is Harold J. Wain, Ph.D., ABPH, Chief, Psychiatry

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Consultation Liaison Service of the Department of Psychiatry of the Walter Reed Army Medical Center, Washington, D.C., and Professor, Department of Psychiatry, Uniformed Services University of the Health Sciences, Bethesda, Maryland. The third author is Daniel Brown, Ph.D., ABPH, Associate Clinical Professor of Psychology, Harvard Medical School.

I have also specialized in the psychiatric management of patients who suffer from Posttraumatic Stress Disorders. During my military service at Walter Reed Army Medical Center and Ft. Ord, California, from 1974-1976, I provided medical direction and psychiatric treatment for military personnel suffering from Posttraumatic Stress Disorder as a result of injuries sustained during the Vietnam War.

Over the course of my career since 1976, I have continued to specialize in the treatment of Posttraumatic Stress Disorder. I have also directed programs involving the multidisciplinary treatment of patients suffering from Posttraumatic Stress Disorder.

Throughout my career, I have provided psychiatric management and psychotherapy for patients experiencing grief and bereavement following the death of family and close associates. I also served on multidisciplinary teams providing psychiatric interventions to terminally ill patients and their families at the University of California in Davis and Fort Ord, California.

I am currently serving as an Associate Professor of Psychiatry in the Menninger Department of Psychiatry and Behavioral Sciences at Baylor College of Medicine and as an Associate Professor of Psychiatry in the Department of Psychiatry and Behavioral Sciences at The University of Texas Medical School in Houston. I am a member of the faculty of the Houston-Galveston Psychoanalytic Institute. In addition, I also serve as an Adjunct Professor of Law at the University of Houston Law Center in Houston, Texas.

During the course of my career, I have been involved in several professional review organizations, which have established standards of practice for psychiatric services. In 1974, I was appointed to the National Steering Committee for Criteria Development for Professional Standards Review Organizations. I received this appointment from the American Medical Association and the Department of Health, Education, and Welfare of the federal government. During the 1970s and 1980s, I served as a special consultant for professional standards and quality assurance to the American Psychiatric Association, the California Hospital Association, and the American Medical Association.

In addition to these responsibilities, I was also a member in the 1980s of the Diagnostic and Therapeutic Technology Assessment Board of the Council on Scientific Affairs of the American Medical Association. Further, I also served as a member of an

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Ad Hoc Advisory Board on Hypnosis for the Council on Scientific Affairs of the American Medical Association. This Ad Hoc Advisory Board did publish a major report on the role of hypnosis in forensic psychiatry in refreshing recollections of witnesses and victims of crime. This report was published in the *Journal of the American Medical Association*.

I was appointed by Governor Edmund G. Brown to the California State Board of Medical Quality Assurance, the medical licensing organization in California. During the course of my service on the California State Board of Medical Quality Assurance (currently the California Board of Medical Examiners), I served on the Division of Medical Quality, the disciplinary division of the medical board in California. I served as the Secretary of the Division of Medical Quality during the time of my service on the Board.

In addition, I, along with Gene Feldman, M.D., President of the Division of Medical Quality, and Joe Cosentino, M.D., Chief Medical Consultant of the California Board, developed a diversion program for impaired physicians, which subsequently was approved by the legislature of the state of California.

Following the move of my practice to Houston, Texas, in 1983, I continued ongoing consultations for quality assurance and professional standards to several governmental entities and professional organizations. I served as the Chairman of the Professional Standards Committee of both the Houston Psychiatric Society and the Texas Society of Psychiatric Physicians, the district branch of the American Psychiatric Association in the State of Texas.

In 1992, I was appointed to the Quality Systems Oversight Program of the Texas Department of Mental Health and Mental Retardation. I continued to serve as a member of the external validation team of this quality systems oversight program of the Texas Department of Mental Health and Mental Retardation from 1992-2003.

The Quality Systems Oversight Program was a judicially mandated program that required the Texas Department of Mental Health and Mental Retardation to provide a quality systems oversight review of all of the treatment provided in State psychiatric hospitals and State schools. The Department continued this quality systems oversight program following resolution of the lawsuit, R.A.J. v. Jones, in the Federal District Court in Dallas, Texas.

In 1994, Governor Ann Richards appointed me to the Texas State Board of Medical Examiners where I served as a member of the District Quality Review Committee of the Texas State Medical Board. I served in this capacity on the Texas State Medical

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Board from 1994 until 2000. During the time of my service on the Texas State Medical Board, I served on numerous informal settlement conferences, representing the Texas State Medical Board, concerning disciplinary actions involving licensed physicians in Texas.

Since 1990, I have served as President and Chairman of the Board of Directors of The Texas Institute for Behavioral Medicine and Neuropsychiatry, a 501C non-profit institute dedicated to providing services in the fields of behavioral medicine and neuropsychiatry. Since 1993, the Institute has provided a program - The Free Clinic for Women – a program committed to alleviating the suffering and providing emotional and social support for women with breast cancer. For the past nine years, I have served as a group therapist for a continuing weekly therapeutic support group for women with stage IV breast cancer.

Over the course of my career, I have practiced forensic psychiatry. During my practice in California, I was appointed to numerous court panels to serve as a court-appointed expert in cases involving questions concerning competency to stand trial, diminished mental capacity, and criminal responsibility. During my faculty appointment at the University of California at Davis, I served as an Associate Professor of Psychiatry and Director of Forensic Psychiatry for the Department of Psychiatry in the School of Medicine of the University of California at Davis.

I have continued my interest in these areas during the course of my forensic psychiatric practice in Texas. I currently serve on court panels in Harris County, Texas, and Fort Bend County, Texas. I do provide expert evaluations in both Harris County and Fort Bend County in the areas of competency to stand trial and criminal responsibility. In addition to my forensic activity in the criminal courts, I have continued to provide forensic examinations and consultations in areas of personal injury, pain and suffering, wrongful death, and professional liability in the civil courts of Texas. During the course of my forensic practice in Texas, I have been involved in major litigation involving industrial explosions resulting in traumatic brain injury and Posttraumatic Stress Disorder experienced by injured workers in industrial explosions. I have also continued to practice forensic psychiatry in areas of professional liability and fitness-for-duty examinations during the course of my forensic practice in Texas. I have also provided forensic psychiatric training to residents in psychiatry at The University

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of Texas Medical School at Houston.

Following my move to Houston, I was appointed as an Adjunct Professor of Law at the University of Houston Law Center, where I have served on the faculty. I have provided courses in forensic medicine to third-year law students during the course of my educational activities at the University of Houston Law Center. In addition, I am currently a member of the Health Law and Policy Institute of the University of Houston Law Center.

In addition to my forensic activities in criminal and civil law, I have also provided forensic psychiatric evaluations of patients who suffer personal injury with injuries involving either pain or psychiatric problems. I have also provided treatment for patients who suffer personal injury or intractable pain. Further, I have utilized my experiences as a neuropsychiatrist, specializing in the treatment of traumatic brain injury, to undertake forensic psychiatric assessments of patients who suffer traumatic brain injury and require forensic evaluations.

I currently serve as a member of the Forensic Psychiatry Committee, the Budget Committee, and the Executive Council of the Texas Society of Psychiatric Physicians. I have served this organization as President from 1999-2000. I currently serve as a representative of the Texas Society of Psychiatric Physicians to the Assembly of District Branches of the American Psychiatric Association. The Texas Society of Psychiatric Physicians has awarded me with its highest award, The Distinguished Service Award, in 2007.

I have served as the psychiatric consultant to the Board of Ethics of the Harris County Medical Society. I have also served as the Chair of the Ethics Committee of the Houston-Galveston Psychoanalytic Institute.

During my service to the Houston-Galveston Psychoanalytic Institute, I have also served as the Chairman of the Faculty Committee of the Houston-Galveston Psychoanalytic Institute and as a member of the Board of Directors of the Houston-Galveston Psychoanalytic Institute.

One may refer to my resume for a full review of my professional experiences.
(See Attachment A.)

V. FORMAT OF FORENSIC PSYCHIATRIC CONSULTATION

Following my being retained by Mr. Rosenberg for the purposes of providing a forensic psychiatric consultation concerning the matters before the Honorable Judge Gilmore in the United States District Court for the Southern District of Texas, Houston Division, I did request that the attorney forward to me the relevant

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transcripts of Dr. Quijano's testimony and Dr. Dickerson's testimony in the initial punishment hearing on May 5, 1992. I also requested that I be provided relevant testimony in the subsequent punishment hearing on November 13, 2003, and November 14, 2003.

Following my review of the information forwarded to me, I did provide an opinion to Mr. Rosenberg that it would be necessary for Mr. Broxton to undergo both a clinical psychiatric interview by me and a General Diagnostic Battery and Neuropsychological Evaluation by a licensed psychologist who specializes in neuropsychological assessment. One may be referred to a subsequent section of this report concerning my reasoning concerning this request and its relevance to my overall opinions in this case.

VI. PRESENTING INFORMATION

(During the course of a forensic psychiatric consultation, all presenting information is requested which appears to have relevance to the forensic questions posed in the consultation. I reviewed the following information and submitted all of the information to forensic analysis. I am prepared to address any element of the presenting information as it relates to the forensic findings I arrived at in this matter. Certain portions of the forensic information will be addressed in subsequent sections of this report. Further, some portions of the information will also be addressed in the formulation to the psychiatric and forensic findings in this matter.)

The following information has been forwarded to me for purposes of review and analysis.

- Transcript of Punishment Hearing before the Honorable Judge Michael T. McSpadden, Presiding Judge of the 209th District Court of Harris County, Texas, May 5, 1992.
 - Direct Examination and Cross Examination of Wendell Dickerson, Ph.D.; Pages 14-67.
 - Transcript of Direct Examination, Cross Examination, Redirect Examination, and Recross Examination of Walter Quijano, Ph.D.; Pages 89-131.
- Transcript of Punishment Hearing on November 13, 2003, and November 14, 2003, in the District Court of Harris County, Texas, 209th Judicial District, before the Honorable Judge Michael T. McSpadden.

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- Testimony of Walter Quijano, Ph.D.; Pages 153-171 and 305-326.
- Testimony of Larry Fitzgerald, Ph.D.; Pages 171-219.
- Testimony of Mr. Eugene Alan Broxton; Pages 242-297.
- Transcript of Closing Argument by Defense Counsel and Closing Argument by State's Attorney dated November 14, 2003.

A. Testimony in Punishment Hearing before the Honorable Judge Michael T. McSpadden, Presiding Judge, in the 209th Judicial District Court of Harris County, Texas, May 5, 1992; Pages 89-131.

1. **Testimony of Walter Quijano, Ph.D.** I have reviewed the testimony of Dr. Quijano. I do find that this testimony has serious limitations. Dr. Quijano testified as to the psychiatric history of Mr. Broxton, and he rendered psychiatric diagnoses of Mr. Broxton without undertaking a psychological evaluation of Mr. Broxton prior to his testimony as to future dangerousness of Mr. Broxton. It is important to note that the American Psychiatric Association has established that it is unethical for a psychiatrist to testify in a criminal proceeding as to future dangerousness without undertaking a psychiatric evaluation of the defendant.

It is to be noted that on cross examination by one of the attorneys, Mr. McKinney, Mr. McKinney did address the fact that the American Psychiatric Association, at the time of Dr. Quijano's testimony, had established an ethical standard that it was unethical for psychiatrists to make a prediction of future danger of violence without having a personal interview with the defendant. Dr. Quijano testified "no" because the question of Mr. McKinney was misstated as the American Psychological Association. Mr. McKinney should have indicated in his questions that it was the American Psychiatric Association that had established an ethical standard that psychiatrists could not make predictions of future violence without having a personal interview with the defendant.

It is to be noted that one of the attorneys who retained Dr. Quijano to testify in the subsequent hearing in 2003 was Mr. Moran, who was also Mr. Broxton's attorney in the previous punishment hearing in 1992.

Further, Dr. Quijano's testimony was unreliable in that he did provide

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testimony in this hearing concerning the nature of Mr. Broxton's depression without undertaking a psychological examination of him to determine the nature and clinical significance of Mr. Broxton's psychiatric disorders. Further, he did have available to him the fact that Mr. Broxton had been involved in significant abuse of crack cocaine which, at the time of his testimony, was found to produce brain injury, given the significant degree of his cocaine abuse. His significant abuse of crack cocaine may be associated with brain dysfunction and brain injury as a result of the vasoconstriction of cerebral circulation associated with chronic crack cocaine abuse and dependence. In view of this history and the history of the patient's significant symptoms of depression, his testimony on Page 107, Lines 7-20 of the transcript is totally inconsistent with the psychiatric records that he reviewed. His discussion in this testimony on Page 107 is clearly in error and is inconsistent with what is contained in the patient's psychiatric records and what is well accepted in the psychiatric and psychological profession.

Dr. Quijano's testimony is further significantly criticized in view of the fact that Mr. McKinney, the attorney, did document how Dr. Quijano's testimony was inconsistent with the medical records and the diagnoses of Mr. Broxton by psychiatrists, which indicate he was suffering from a psychiatric disorder, Dysthymia, which is a depressive disorder.

In summary, upon review of Dr. Quijano's testimony in the hearing on May 5, 1992, it is my opinion that his testimony was significantly in error and, based upon psychiatric standards of ethics, was unethical. Further, he did have available to him the fact that Mr. Broxton had been involved in significant abuse of crack cocaine, which may produce brain injury, given the significant degree of his cocaine abuse and dependence. His significant abuse of crack cocaine may be associated with brain dysfunction and brain injury as a result of the vasoconstriction of cerebral circulation associated with chronic cocaine abuse and dependence. Further, it is my opinion that Dr. Quijano's testimony as to future dangerousness in the 1992 hearing would most certainly have influenced Mr. Moran, the attorney who was also retained by Mr. Broxton in the 2003 hearing, to retain another forensic expert who could have provided significant testimony, which will be addressed in a subsequent section of this report. I have requested from the attorney copies of the Defendant's medical records concerning his prior psychiatric evaluations. It is to be noted that experts have testified under oath as to the nature of his psychiatric records, which were reviewed by the defense expert, Dr. Dickerson,

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and the State's expert, Dr. Quijano.

- 2. Testimony of Wendell Dickerson, Ph.D.** I have reviewed the testimony of Dr. Dickerson, and his testimony does establish clearly that Dr. Dickerson does correctly address the fact that a psychiatric diagnosis of Antisocial Personality Disorder should be arrived at following a psychological interview and a careful review of the defendant's history. He was also able to more fully address the Defendant's psychiatric Depressive Disorder, which is adequately documented in the psychiatric records. Dr. Dickerson was able to adequately address many of the issues that the State's witness, Dr. Quijano, improperly addressed during the course of his testimony. Upon review of Dr. Dickerson's review of the psychiatric records, it is apparent that Dr. Quijano ignored the psychiatric records when he provided testimony concerning Mr. Broxton in the earlier trial.
- B. Testimony of Walter Quijano, Ph.D., in the Punishment Hearing on November 13, 2003, before the Honorable Judge Michael T. McSpadden, Presiding Judge, in the District Court of Harris County, Texas, 209th Judicial District; Pages 153-171, Pages 305-326.**

Upon review of Dr. Quijano's testimony in the hearing in 2003, it is to be noted that he was directed by Mr. Moran, who was the lawyer in the previous hearing in 1992. Under Mr. Moran's questioning, he does testify that he had previously testified concerning Mr. Broxton's future dangerousness in the hearing in 1992. He also testified to the jury in the 2003 hearing that he had been requested to testify for the State in the 1992 hearing. Mr. Moran also clearly establishes for the jury that he was the defense attorney in the previous hearing.

As previously discussed in this report, Mr. McKinney, his co-counsel, did examine Dr. Quijano in the previous hearing. He further presents to the jury that Dr. Quijano testified in the previous hearing without examining the Defendant. Dr. Quijano does testify in the 2003 hearing that he did examine the Defendant on October 20, 2003, before his testimony in the 2003 hearing. He further gives an opinion that Mr. Broxton continues to be a threat to society "if he were left in the community." (See Page 160, Lines 24-25.) Unfortunately, Dr. Quijano provides erroneous testimony under the direction of Mr. Moran when he gives an opinion on Page 163, Lines 6-24, that he did not find that any testing would be necessary in his evaluation of Mr. Broxton. He erroneously testifies that testing was not called for when the question was asked concerning future dangerousness. He further provided erroneous testimony that testing at this stage is not reliable because the Defendant has a very good incentive to look good in the testing process. He further provides erroneous testimony that "the validity of these tests is questionable anyway, and they cost money, so I did not do any of them."

On the contrary, psychological testing by clinical psychologists does have validity

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EUGENE ALAN BROXTON

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indicators and are known to be reliable for both criminal defendants and patients in general. Further, Mr. Broxton's history of abuse of crack cocaine and its well-known and recognized effects in producing brain injury in some patients would lead a reasonable psychologist to conclude that neuropsychological testing was indicated to address whether Mr. Broxton was suffering from brain injury associated with the vasoconstriction of cerebral circulation that may occur with chronic crack cocaine abuse and dependence.

Mr. Moran's decisions in retaining Dr. Quijano in view of the significant errors that Dr. Quijano made in his previous testimony are most certainly compounded by the fact that Dr. Quijano's testimony on Page 163 is erroneous and unreliable. It is to be noted that Dr. Quijano's testimony on Page 163 is entirely consistent with his previous testimony, when he was the State witness and testified erroneously that Mr. Broxton was not suffering from any mental illness, despite the fact that Mr. Moran's own witness, Dr. Dickerson, was able to clearly establish the evidence of psychiatric illness in his client in the previous testimony. His cross-examination by Mr. Hawkins (See Page 305, Line 6 to Page 306, Lines 1-25) provides further data concerning the erroneous testimony of Dr. Quijano in this matter. Despite the fact that his lawyers were fully aware of Dr. Quijano's previous testimony in 1993, the cross-examining attorney was able to continue to emphasize Dr. Quijano's erroneous opinions that Mr. Broxton does not suffer from any mental illness or mental defect. I have previously noted in my report that Dr. Quijano was unable to provide such testimony without neuropsychological testing to determine whether Mr. Broxton is suffering from brain injury associated with his crack cocaine abuse.

In his closing recross-examination of Dr. Quijano, the District Attorney, Mr. Hawkins, was able to establish that Issue #2 does not address a danger to society as it relates to society or prison. Mr. Hawkins clearly establishes affirmatively to the second special issue when in response to questioning, Dr. Quijano testifies that the special issue concerning future dangerousness in society is "yes." (See Page 326, Line 21.)

In summary, Dr. Quijano's testimony in the subsequent hearing was erroneous, and the lawyers selecting Dr. Quijano in view of his previous testimony in the 1993 hearing was compounded by their designation of him as an expert in the 2003 hearing.

C. Testimony of Larry Fitzgerald, Ph.D., in the Punishment Hearing on November 13, 2003 before the Honorable Judge Michael T. McSpadden, Presiding Judge, in the District Court of Harris County, Texas, 209th Judicial District; Pages 171-219.

Mr. Fitzgerald's testimony is consistent with the information that Dr. Dickerson

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provided in the previous hearing and is also consistent with the fact that Mr. Broxton is not exhibiting any significant symptoms suggestive of an Antisocial Personality Disorder.

D. Testimony of Mr. Eugene Alan Broxton in the Punishment Hearing on November 13, 2003, before the Honorable Judge Michael T. McSpadden, Presiding Judge, in the District Court of Harris County, Texas, 209th Judicial District; Pages 242-297.

Upon my review of the testimony of Mr. Broxton, I do find that he did provide significant information concerning the effect of his significant abuse of crack cocaine and its effect on his memory functioning. He does report lapses in his memory. While I am fully aware that he has no recollection and denies committing any of the homicides in this matter, there is a possibility he has no memory for any of the events. It is to be noted that it is medically possible that Mr. Broxton could have been involved in some activity involving the commission of the alleged offenses and experienced no memory for the events as a result of both his cocaine intoxication and its effect on his sustained brain injury from his significant abuse of crack cocaine. In view of the fact that he denies committing the alleged offenses, it is still my forensic psychiatric opinion that Dr. Quijano should most certainly have recommended neuropsychological testing for the Defendant, which could have revealed brain injury that may have been mitigating in his punishment hearing. The fact that his attorneys selected a previous State expert on future dangerousness who had previously testified that Mr. Broxton had no mental disorder obviously prohibited his legal counsels from utilizing a forensic psychologist as an expert in mitigating his future dangerousness and in mitigating whether he experienced a psychiatric disorder.

E. Review of Closing Argument by Defense Counsel and State's Attorney in the Punishment Hearing on November 14, 2003, before the Honorable Judge Michael T. McSpadden, Presiding Judge, in the District Court of Harris County, Texas, 209th Judicial District.

Upon review of the closing argument by the Defense in this matter, it is to be noted that Mr. Cornelius did remind the jury in his closing argument that Dr. Quijano did not examine his client prior to his previous testimony in the prior hearing when he was called by the State to testify as to Mr. Broxton's future dangerousness. Further, Mr. Cornelius also testified, based upon Dr. Quijano's testimony, that his client had an Antisocial Personality Disorder. As I have previously noted in this report, Dr. Quijano's original diagnosis of Antisocial Personality Disorder in the 1993 hearing was unethical in view of the fact that he did not examine Mr. Broxton before rendering such testimony. I have previously noted in my report the fact that Dr. Quijano's testimony concerning no need for psychological or neuropsychological testing was erroneous, and this issue was not addressed by his counsel in closing arguments.

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Upon review of the closing arguments by the prosecution in this matter, it is to be noted that the prosecution does clearly establish on Pages 43 and 44 that Dr. Quijano's testimony was most certainly utilized as to the Defendant's future dangerousness in the 2003 hearing.

VII. FORENSIC FINDINGS

- Based upon my review of the testimony of Walter Quijano, Ph.D., during the hearing convened on May 5, 1992, it is my opinion that his attorneys did not take into consideration the scope of Dr. Quijano's previous testimony and the significant limitation of his previous testimony when he testified for the State in the original 1992 hearing.
- It is my expert opinion that the defense attorneys did not have a sufficient dialogue with Dr. Quijano before the hearing on November 13, 2003, in order to ensure that he was able to take into account enough information to render a medical opinion regarding Mr. Broxton's mental health at the time of the commission of the alleged offense and his mental health that might be mitigating for the punishment hearing in his original testimony in 1992 and his subsequent testimony on November 13, 2003. It is clear that Dr. Quijano continued to maintain that Mr. Broxton had no mental disorder in the hearing on November 2003, which was consistent with his previous testimony in 1992. Obviously, simple questioning of Dr. Quijano concerning his opinions would have certainly alerted the defense attorneys that his testimony would not be helpful as to the questions relating to Mr. Broxton's mental disorder, which could have been mitigating for his punishment hearing.
- Given the nature and scope of Dr. Quijano's original testimony and his subsequent testimony in the hearing in November 2003, it is my forensic opinion that Dr. Quijano was unable to render an opinion concerning future dangerousness in a prison society rather than the more global society. The examining attorney for the State was able to utilize the defense's own expert to answer affirmatively as to Issue #2 regarding future dangerousness. This was obviously compounded by the fact that Dr. Quijano also stated that the Defendant had no mental disorder.
- Based upon my experiences as a forensic psychiatrist in both California and Texas, it is my opinion that it would be highly unlikely, under any circumstances, for a defense attorney to call a mental health expert on future dangerousness who is going to testify that the patient is a future danger, as he did in this case. As I previously discussed in this report, this opinion is compounded by the fact that both attorneys were fully aware that Dr. Quijano had testified previously that their client had no mental disorder.
- As I have previously discussed in this report, it is my opinion that

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Dr. Quijano's testimony in the hearing in May 1992 was not credible in view of the fact that he did not interview or evaluate the Defendant, and he ignored the information in the psychiatric records, according to Dr. Dickerson's testimony, concerning the Defendant's prior psychiatric diagnoses and treatment. Further, his testimony in the 2003 hearing, as well as the 1992 hearing, as to Antisocial Personality Disorder is inconsistent with the other defense experts who were retained in both hearings.

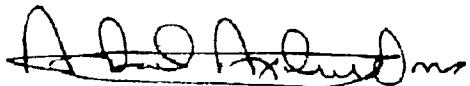
- It is my opinion that Dr. Dickerson's testimony did appear to provide significant information concerning Mr. Broxton's prior psychiatric problems, which could have been mitigating in his punishment hearing. Unfortunately, Dr. Quijano's testimony in the 1992 hearing was not helpful in view of his statements that the Defendant did not have a mental disorder and did experience an Antisocial Personality Disorder without the benefit of a psychological evaluation or psychological and/or neuropsychological testing in 1992.
- It is my psychiatric opinion that both attorneys in this matter utilized very questionable methodology in selecting Dr. Quijano as their forensic expert as to dangerousness in the second trial in view of his previous testimony as to both future dangerousness and the absence of any psychiatric disorder in their client.

XVI. RECOMMENDATIONS

As I previously discussed in this report, it is my recommendation that Mr. Rosenberg request sufficient funding from Judge Gilmore in order to provide an opportunity for Mr. Broxton to undergo a General Diagnostic Battery and Neuropsychological Evaluation by a clinical neuropsychologist. I have discussed this matter with Larry Pollock, Ph.D., a clinical neuropsychologist who is the Director of the Project Reentry Head Injury Rehab Program in Houston, Texas. Dr. Pollock is a well-respected neuropsychologist, and he does agree with me that the Defendant most certainly meets indications for a General Diagnostic Battery and Neuropsychological Evaluation. He has advised me that he would be willing to travel to the prison facility that is incarcerating Mr. Broxton and undertake a General Diagnostic Battery and Neuropsychological Evaluation. In addition, I have discussed with Mr. Rosenberg that I would be open to undertaking a psychiatric evaluation of Mr. Broxton following completion of his neuropsychological testing.

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Respectfully submitted,



A. David Axelrad, M.D.
Diplomate, American Board of Psychiatry & Neurology, Certificate No. 17308
Subspecialty Certification in Forensic Psychiatry, Certificate No. 22
Subspecialty Certification in Pain Medicine, Certificate No. 102
Distinguished Life Fellow, American Psychiatric Association

ADA:vlh/HRTS

Allan David Axelrad, M.D.

Resume

A. David Axelrad, M.D.

4545 Bissonnet Street #131

Bellaire, Texas 77401

Phone: (713) 523-5999

Facsimile: (713) 942-9626

SUMMARY OF QUALIFICATIONS

A. David Axelrad, M.D., attended Vanderbilt University from 1961 to 1965, graduating Vanderbilt University with a BA degree. Following graduation from Vanderbilt University, A. David Axelrad, M.D., attended the University of Houston Graduate School from 1965 to 1968. Dr. Axelrad graduated from the University of Houston Graduate School with an MS degree in biology/physiology (Thesis: Influence of Fasting and Alloxan Diabetes on the Active Transport of Monosaccharides by the Rat Intestine.) Dr. Axelrad attended The University of Texas Medical Branch at Galveston from 1966 to 1970. Dr. Axelrad was elected into the Alpha Omega Alpha Honorary Medical Society in 1969. Dr. Axelrad was awarded the MD degree - Magna Cum Laude - in 1970.

A. David Axelrad, M.D., undertook a straight medicine internship at the Sacramento Medical Center of the University of California, Davis, from 1970 to 1971. Dr. Axelrad attended the University of California, Davis,

Department of Psychiatry from 1971 to 1974 and graduated from this residency program in 1974.

A. David Axelrad, M.D., was actively involved in state and national associations during the course of his house-staff training at the University of California, Davis. Dr. Axelrad served as the First Chair of the Interns and Residents Business Section of the American Medical Association from 1972 to 1973.

A. David Axelrad, M.D., also served as a member of the Council on House Staff Affairs of the American Medical Association from 1972 to 1974. During his service on the Council, Dr. Axelrad did chair a major conference of the American Medical Association - the 1973 AMA Coordinating Conference for House Staff - which led to significant changes that occurred in house-staff training as a result of the Conference's actions.

A. David Axelrad, M.D., also served as President of the Sacramento Association of Interns and Residents from 1972 to 1973 and as Chair of the Statewide Association of Interns and Residents for the University of California. Dr. Axelrad served in this capacity from 1973 until 1974.

A. David Axelrad, M.D., underwent psychoanalytic training at the Houston-Galveston Psychoanalytic Institute from 1996 to 2000. Dr. Axelrad graduated with a Certificate in Adult Psychoanalysis in September 2000.

A. David Axelrad, M.D., is a practicing psychiatrist who specializes in Adult Psychiatry, Neuropsychiatry, Pain Medicine, Psychoanalysis, and Forensic Psychiatry. Dr. Axelrad is Board-certified by the American Board of Psychiatry and Neurology in General Psychiatry (April 1978 - Certificate #17308); Forensic Psychiatry (Certificate #22), and Pain Medicine (Certificate #102).

During the course of his career, Dr. Axelrad practiced in all of the above specialties. In addition, Dr. Axelrad also served as Director of Neuropsychiatry for the Del Oro Rehabilitation Institute in Houston, Texas. During the course of his service as the Director of Neuropsychiatry, Dr. Axelrad was responsible for supervision of neuropsychiatric services in the Institute. During the course of this service, Dr. Axelrad did undertake numerous diagnostic evaluations and neuropsychiatric interventions of patients who suffered from neurological injury and traumatic brain injury and who were undergoing treatment in the Rehabilitation Institute. Dr. Axelrad has continued to undertake outpatient assessment and treatment of patients suffering neurological injury, who require neuropsychiatric interventions.

During the course of his pain medicine practice in California and Texas, Dr. Axelrad has provided services for patients who experience chronic pain. His pain medicine practice consists of diagnostic evaluations of patients who experience chronic pain. Following such evaluations, Dr. Axelrad will generally develop behavioral pain medicine interventions for the patients. During the course of his pain medicine practice in both California and Texas, Dr. Axelrad has directed multidisciplinary pain medicine teams who provide multidisciplinary interventions, including behavioral medicine interventions and physical medicine interventions. During his pain medicine practice in California, Dr. Axelrad developed a Pain Medicine Center in Sacramento, California, which did provide interdisciplinary interventions for patients who suffer chronic pain.

Following his move from California to Texas in 1983, Dr. Axelrad continued providing such multidisciplinary pain services for patients experiencing chronic pain syndromes. Dr. Axelrad has served as the Medical Director of several Hospital-Based Pain Medicine Centers during the course of his pain medicine practice in Houston, Texas. Further, Dr. Axelrad has also provided medical direction of Outpatient Pain Medicine Centers, providing pain management services to patients who suffer chronic pain syndromes.

A. David Axelrad, M.D., also served as a member of the Board of Directors of the National Pain Foundation from 1983 until 1990. During the course of service on this Board, Dr. Axelrad initially served as the Medical Director of the National Pain Foundation and was subsequently elected the Chair of the Board of Directors of the National Pain Foundation in 1985. This Foundation sponsored major statewide and national symposia on pain during the time of his service on the Board of Directors of the National Pain Foundation.

During his career, Dr. Axelrad has undertaken numerous assessments for alcohol and other chemical dependency. These assessments have also been a part of a drug abuse treatment program that Dr. Axelrad supervised and

monitored during his experiences as a director of pain medicine centers, both inpatient and outpatient centers. During the course of his career, Dr. Axelrad has also served as the Medical Consultant to the Center for Recovering Families, providing psychiatric consultation and interventions for patients undergoing chemical dependency and alcohol dependency interventions at the Center for Recovering Families in Houston, Texas.

A. David Axelrad, M.D., also served as the Medical Review Officer for the Continental Basketball Association. The scope of his duties as the Medical Review Officer for the Continental Basketball Association included diagnostic assessment interviews of professional basketball players who were employed by the various team owners in the Continental Basketball Association. His scope would include diagnostic assessments of athletes who demonstrated positive tests on drugs screens and other tests administered to the professional athletes playing basketball for the Continental Basketball Association. In addition, Dr. Axelrad would also interface with various drug treatment programs in referring such professional athletes to the programs for interventions required in the employment agreements between the professional basketball players and team owners in the Continental Basketball Association.

During his practice in Houston, Texas, Dr. Axelrad completed psychoanalytic training in adult psychoanalysis at the Houston-Galveston Psychoanalytic Institute. Dr. Axelrad has also been involved in ongoing training as a child psychoanalyst and is presently an advanced candidate in a child psychoanalytic training program at this institute.

In addition, Dr. Axelrad has provided hypnotherapy for patients who experience habit disorders, chronic medical problems, chronic pain disorders, and anxiety disorders. Dr. Axelrad has provided self-hypnosis training for such patients to facilitate their medical and psychiatric management. Dr. Axelrad is the Senior Author of Chapter 30.4 entitled *Hypnosis* in the 9th Edition of the *Comprehensive Textbook of Psychiatry* edited by Benjamin Sadock, M.D.; Virginia Sadock, M.D.; and Pedro Ruiz, M.D., published in 2009 by Lippincott Williams & Wilkins.

The second author of this Chapter is Harold J. Wain, Ph.D., ABPH, Chief, Psychiatry Consultation Liaison Service of the Department of Psychiatry of the Walter Reed Army Medical Center, Washington, D.C., and Professor, Department of Psychiatry, Uniformed Services University of the Health Sciences, Bethesda, Maryland. The third author is Daniel Brown, Ph.D., ABPH, Associate Clinical Professor of Psychology, Harvard Medical School.

A. David Axelrad, M.D., has also specialized in the psychiatric management of patients who suffer from Posttraumatic Stress Disorders. During his military service at Walter Reed Army Medical Center and Ft. Ord, California, from 1974-1976, Dr. Axelrad provided medical direction and psychiatric treatment for military personnel suffering from Posttraumatic Stress Disorder as a result of injuries sustained during the Vietnam War.

Over the course of his career since 1976, Dr. Axelrad has continued to specialize in the treatment of Posttraumatic Stress Disorder. Dr. Axelrad has also directed programs involving the multidisciplinary treatment of patients suffering from Posttraumatic Stress Disorder.

Throughout his career, Dr. Axelrad has provided psychiatric management and psychotherapy for patients experiencing grief and bereavement following the death of family and close associates. Dr. Axelrad also served on multidisciplinary teams providing psychiatric interventions to terminally ill patients and their families at the University of California in Davis and Fort Ord, California.

A. David Axelrad, M.D., is currently serving as an Associate Professor of Psychiatry in the Menninger Department of Psychiatry and Behavioral Sciences at Baylor College of Medicine and as an Associate Professor of Psychiatry in the Department of Psychiatry and Behavioral Sciences at The University of Texas Medical School in Houston. Dr. Axelrad is a member of the faculty of the Houston-Galveston Psychoanalytic Institute. In addition, Dr. Axelrad also serves as an Adjunct Professor of Law at the University of Houston Law Center in Houston, Texas.

During the course of his career, Dr. Axelrad has been involved in several professional review organizations, which have established standards of practice for psychiatric services. In 1974, Dr. Axelrad was appointed to the National Steering Committee for Criteria Development for Professional Standards Review Organizations. Dr. Axelrad received this appointment from the American Medical Association and the Department of Health, Education, and Welfare of the federal government. During the 1970s and 1980s, Dr. Axelrad served as a special consultant for

professional standards and quality assurance to the American Psychiatric Association, the California Hospital Association, and the American Medical Association.

In addition to these responsibilities, Dr. Axelrad was also a member in the 1980s of the Diagnostic and Therapeutic Technology Assessment Board of the Council on Scientific Affairs of the American Medical Association. Further, Dr. Axelrad also served as a member of an Ad Hoc Advisory Board on Hypnosis for the Council on Scientific Affairs of the American Medical Association. This Ad Hoc Advisory Board did publish a major report on the role of hypnosis in forensic psychiatry in refreshing recollections of witnesses and victims of crime. This report was published in the *Journal of the American Medical Association*.

A. David Axelrad, M.D., was appointed by Governor Edmund G. Brown to the California State Board of Medical Quality Assurance, the medical licensing organization in California. During the course of his service on the California State Board of Medical Quality Assurance (currently the California Board of Medical Examiners), Dr. Axelrad served on the Division of Medical Quality, the disciplinary division of the medical board in California. Dr. Axelrad served as the Secretary of the Division of Medical Quality during the time of his service on the Board.

In addition, A. David Axelrad, M.D., along with Gene Feldman, M.D., President of the Division of Medical Quality, and Joe Cosentino, M.D., Chief Medical Consultant of the California Board, developed a diversion program for impaired physicians, which subsequently was approved by the legislature of the state of California.

Following the move of his practice to Houston, Texas, in 1983, Dr. Axelrad continued ongoing consultations for quality assurance and professional standards to several governmental entities and professional organizations. Dr. Axelrad served as the Chairman of the Professional Standards Committee of both the Houston Psychiatric Society and the Texas Society of Psychiatric Physicians, the district branch of the American Psychiatric Association in the State of Texas.

In 1992, Dr. Axelrad was appointed to the Quality Systems Oversight Program of the Texas Department of Mental Health and Mental Retardation. Dr. Axelrad continued to serve as a member of the external validation team of this quality systems oversight program of the Texas Department of Mental Health and Mental Retardation from 1992-2003.

The Quality Systems Oversight Program was a judicially mandated program that required the Texas Department of Mental Health and Mental Retardation to provide a quality systems oversight review of all of the treatment provided in State psychiatric hospitals and State schools. The Department continued this quality systems oversight program following resolution of the lawsuit, R.A.J. v. Jones, in the Federal District Court in Dallas, Texas.

In 1994, Governor Ann Richards appointed Dr. Axelrad to the Texas State Board of Medical Examiners where he served as a member of the District Quality Review Committee of the Texas State Medical Board. Dr. Axelrad served in this capacity on the Texas State Medical Board from 1994 until 2000. During the time of his service on the Texas State Medical Board, Dr. Axelrad served on numerous informal settlement conferences, representing the Texas State Medical Board, concerning disciplinary actions involving licensed physicians in Texas.

Since 1990, Dr. Axelrad has served as President and Chairman of the Board of Directors of The Texas Institute for Behavioral Medicine and Neuropsychiatry, a 501C non-profit institute dedicated to providing services in the fields of behavioral medicine and neuropsychiatry. Since 1993, the Institute has provided a program - The Free Clinic for Women - a program committed to alleviating the suffering and providing emotional and social support for women with breast cancer. For the past nine years, Dr. Axelrad has served as a group therapist for a continuing weekly therapeutic support group for women with stage IV breast cancer.

Over the course of his career, Dr. Axelrad has practiced forensic psychiatry. During his practice in California, Dr. Axelrad was appointed to numerous court panels to serve as a court-appointed expert in cases involving diminished mental capacity and criminal responsibility. Dr. Axelrad has continued his interest in these areas during the course of his forensic psychiatric practice in Texas. During his faculty appointment at the University of California, Davis, Dr. Axelrad served as Director of Forensic Psychiatry in the School of Medicine.

Following his move to Houston, Dr. Axelrad was appointed as an Adjunct Professor of Law at the University of Houston Law Center, where he has served on the faculty. Dr. Axelrad has provided courses in forensic medicine to third-year law students during the course of his educational activities at the University of Houston Law Center. In addition, Dr. Axelrad is currently a member of the Health Law and Policy Institute of the University of Houston Law Center.

In addition to his forensic activities in criminal law, Dr. Axelrad has also provided forensic psychiatric evaluations of patients who suffer personal injury with injuries involving either pain or psychiatric problems. Further, Dr. Axelrad has utilized his experiences as a neuropsychiatrist, specializing in the treatment of traumatic brain injury, to undertake forensic psychiatric assessments of patients who suffer traumatic brain injury and require forensic evaluations.

A. David Axelrad, M.D., currently serves as a member of the Forensic Psychiatry Committee, the Budget Committee, and the Executive Council of the Texas Society of Psychiatric Physicians. Dr. Axelrad has served this organization as President from 1999-2000. Dr. Axelrad currently serves as a representative of the Texas Society of Psychiatric Physicians to the Assembly of District Branches of the American Psychiatric Association. The Texas Society of Psychiatric Physicians has awarded him with its highest award, The Distinguished Service Award, in 2007.

A. David Axelrad, M.D., has served as the psychiatric consultant to the Board of Ethics of the Harris County Medical Society. Dr. Axelrad has also served as the Chair of the Ethics Committee of the Houston-Galveston Psychoanalytic Institute.

A. David Axelrad, M.D., presently serves as the Chairman of the Faculty Committee of the Houston-Galveston Psychoanalytic Institute, and Dr. Axelrad also serves as a member of the Board of Directors of the Houston-Galveston Psychoanalytic Institute.

One may refer to the resume of A. David Axelrad, M.D., for a full review of his professional experiences. (See Attachment A.)

PERSONAL DATA

Name: *Allan David Axelrad, M.D.*

Date/Place of Birth **May 25, 1943 in Houston, Harris County, Texas**

Profession: Psychiatrist

CURRENT PROFESSIONAL TITLES AND RESPONSIBILITIES

President and Medical Director, A. David Axelrad, M.D. & Associates, P.A.: A professional association (P.A.) which provides psychiatric, behavioral medicine, and pain medicine services.

President, Texas Institute for Behavioral Medicine and Neuropsychiatry, Inc.: A 501-C nonprofit institute dedicated to medical research and training in the fields of behavioral medicine and neuropsychiatry. The Institute was founded and developed by faculty of The University of Texas Medical School at Houston (Departments of Neurobiology and Anatomy and Psychiatry) and the staff of the Center for Psychiatric Medicine, P.A. The HCA Center for Health Excellence provided a grant to implement the development of the Institute.

President & Medical Director, Free Clinic for Women: A program committed to alleviate suffering and provide emotional and social support to women with breast cancer.

Member: Professional Standards Committee, Texas Society of Psychiatric Physicians

Member: Government Affairs Committee, Texas Society of Psychiatric Physicians

Member: Forensic Psychiatry Committee, Texas Society of Psychiatric Physicians

Past President: Texas Society of Psychiatric Physicians (2000-2001)

Member: Political Action Task Force, Texas Society of Psychiatric Physicians (2000-Present)

Representative: Assembly of District Branches, American Psychiatric Association (2001-2010)

Member: Quality Systems Oversight Review Team for State Hospitals (required by RAJ vs Jones Settlement of March 1992) - Texas Department of Mental Health and Mental Retardation (1992-2003)

Psychiatric Consultant: Board of Ethics, Harris County Medical Society

Chair: Faculty Committee of the Houston-Galveston Psychoanalytic Institute

Member: Board of Directors, Houston-Galveston Psychoanalytic Institute

CURRENT SCOPE OF PROFESSIONAL PRACTICE

Psychiatric Services

- Psychiatric assessment
- Neuropsychiatric assessment and services
- Marital and family therapy
- Consultation - liaison psychiatry
- Outpatient psychotherapy and utilization of psychotropic medications
- Inpatient psychiatry
- Psychotherapy

Psychoanalysis

- Adult psychoanalysis
- Advanced Candidate in child psychoanalysis - Houston-Galveston Psychoanalytic Institute

Behavioral Medicine Services

- Management of psychiatric complications associated with medical illness and neurological injury
- Cognitive therapy and rehabilitation
- Biofeedback training
- Hypnosis
- Contingency management and operant conditioning

Clinical Dependency and Recovery Services

- Neuropsychiatric assessment and detoxification
- Cognitive therapy services

Pain Medicine Services

- Psychiatric and chronic pain assessment of patient suffering from chronic pain
- Psychiatric treatment of chronic pain patients to include psychotherapy, cognitive therapy, operant conditioning (contingency management), family therapy, hypnosis, biofeedback, and the use of psychotropic medications and antidepressants as indicated
- Neuromodulation, electrical therapy, electro-acutherapy, and electrosleep
- Biofeedback training

Hypnotherapy

- For patients experiencing various habit disorders - smoking, over-eating, etc.
- For patients experiencing psychological stress as a result of intrapsychic or interpersonal disorders
- For patients experiencing psychiatric/psychological problems secondary to medical disease or physical injury

Forensic Medicine

- Forensic psychiatric evaluation
- Forensic pain medicine evaluation
- Forensic assessments for personal injury, disability, general competency, competency to stand trial, criminal responsibility, child custody and malpractice
- Forensic medical evaluations utilizing consulting medical and psychological assessments of physical and/or psychological injury - integration of interdisciplinary medical and psychological diagnostic assessment in cases of personal injury, disability, child custody and malpractice

EDUCATIONAL AND PROFESSIONAL TRAINING

1961 - 1965 College Vanderbilt University (B.A.)

1965 - 1968 Graduate School University of Houston (M.S.), Biology-Physiology

Thesis: "Influence of Fasting and Alloxan Diabetes on the Active Transport of Monosaccharides By the Rat Intestine"

1966 -1970 Medical School The University of Texas Medical Branch at

Galveston (M.D.) *Magna cum Laude*

1970 - 1971 Internship Sacramento Medical Center, University of

California, Davis, Straight Medicine Internship

1971 - 1974 Residency University of California, Davis - Department of Psychiatry

1994 - 2000 Psychoanalytic Psychoanalysis, Houston-Galveston Psychoanalytic Training (Adult) Institute - Graduated July 14, 2000

1996- Present Psychoanalytic Psychoanalysis, Houston-Galveston Psychoanalytic Training (Child) Institute

LICENSURE

July 1970 #D6933 State of Texas (current)

July 1971 #C33454 State of California (current)

CERTIFICATION

April 1978 #17308 American Board of Psychiatry and Neurology

October 1983 #136 American Board of Forensic Psychiatry

July 21, 1992 #5554 American Academy of Pain Management

December 1994 #22 American Board of Psychiatry and Neurology

Added Qualifications in Forensic Psychiatry

January 8, 1996 #6619 American College of Forensic Examiners

American Board of Psychiatry and Neurology

March 2003 #22 Subspecialty Certification in Forensic Psychiatry

September 2003 #102 Subspecialty Certification in Pain Medicine

CURRENT ACADEMIC APPOINTMENTS

Associate Clinical Professor of Psychiatry. The University of Texas Health Science Center at Houston, School of Medicine, Houston, TX

Associate Clinical Professor of Psychiatry. Baylor College of Medicine, Houston, TX.

Adjunct Assistant Clinical Professor of Psychiatry. The University of Texas Health Science Center at Houston - Graduate School of Biomedical Sciences, Houston, TX

Member of the Faculty. The Houston-Galveston Psychoanalytic Institute, Houston, TX

Adjunct Professor of Law. The University of Houston Law Center, Houston, TX

PRIOR ACADEMIC APPOINTMENTS

Assistant Clinical Professor. University of California at Davis

PRIOR APPOINTMENTS TO STATE REGULATORY AGENCIES

Member. California Board of Medical Examiners, (Formerly- California Board of Medical Quality Assurance, Division of Medical Quality- Secretary Treasurer)

Member. Texas State Board of Medical Examiners, District Review Committee

PROFESSIONAL SOCIETIES

Best Doctors in America Texas Medical Association

Alpha Omega Alpha Honorary Medical Society American Society of Clinical Hypnosis

Houston Psychiatric Society International Society of Hypnosis

Texas Society of Psychiatric Physicians American Academy of Psychiatry and Law

American Psychiatric Association - Fellowship American Academy of Pain Management

Houston Galveston Psychoanalytic Society American College of Forensic Examiners

American Psychoanalytic Association Harris County Medical Society

American Academy of Pain Medicine The American College of Psychiatrists

PRINCIPAL PROFESSIONAL ACTIVITIES AND HONORS

1968. Graduated - Masters of Science degree - University of Houston Graduate School

1969 - 1970 Co-Director - National Student Research Forum, Student American Medical Association

1970 Graduated - Medical Degree--Magna cum Laude--The University of Texas Medical Branch at Galveston; Alpha Omega Alpha Honorary Medical Society; Mu Delta Honorary Medical Service Society

1970-1971 Intern - Straight Medicine - University of California, Davis - Sacramento Medical Center

1974. Resident - Psychiatry - University of California, Department of Psychiatry - School of Medicine

1971-1976 Emergency Physician (60-96 hrs/month) - Amador County Hospital, Jackson, CA; Marshall Hospital, Yuba City, CA; Sonoma Valley Hospital, Sonoma, CA; National General Hospital Salinas, CA

1973. President - Sacramento Association of Interns and Residents

1973. Chairman - AMA Interns and Residents Business Session

1972-1974 Member - AMA Council on House Staff Affairs

1973. Chairman - AMA Coordinating Conference for House Staff

1976. Member - Project Steering Committee for Criteria Development Project of Professional Standard Review Organizations - Appointed by the American Medical Association and

Department of Health Education and Welfare of the United States

1976. Consultant, Quality Assurance - American Medical Association for American Psychiatric Association; California Department of Consumer Affairs; California Hospital Association

1976. Major, United States Army - Staff Psychiatrist, Chief of Inpatient Service, Walter Reed Army Medical Center, Chief, Mental Hygiene Consultation Service, Fort Ord and 7th Infantry Division, Fort Ord, CA; President, Sanity Board, 5th Military Judicial District, 7th Infantry Division and Fort Ord, CA

1975. Consultant Quality Assurance - Department of Health, State of California, Transition Task Force (12/74-04/75) Appointed by Governor Jerry Brown (on leave - U. S. Army)

1982. Private Practice of Psychiatry - 1111 Howe Avenue, Suite 200, Sacramento, CA; Director, Mental Health Institute of Sacramento, 87 Scripps Drive, Suite 216, Sacramento, CA

1982. Forensic Psychiatry - Forensic Psychiatrist, Superior Court Panels of Sacramento County, El Dorado County, Placer County, Lassen County, Shasta County, Yolo County and Yuba County

1977. Board Certified Psychiatry - American Board of Psychiatry and Neurology (Psychiatry) #17308

1982. Assistant Clinical Professor - Psychiatry - School of Medicine - University of California, David, CA

1980. Member, California State Board of Medical Quality Assurance Division of Medical Quality - Appointed by Governor Edmund G. Brown in 01/78. Confirmed by California State Senate

Principal activities during tenure on State Medical Board:

Member - Task Force for Impairment of Physicians of the California State Board of Medical Quality Assurance

Legislative Coordinator - Division of Medical Quality, California State Board of Medical Quality Assurance

Member - The Professional Performance Pilot Project of the California State Board of Medical Quality Assurance

Secretary Treasurer - Division of Medical Quality, California State Board of Medical Quality Assurance

1981. Chairman, Symposium on Psychiatry and the Law - Annual Meeting, American Psychiatric Association

1982. Coordinator, Forensic Psychiatric Training - University of California, Davis, Department of Psychiatry

1982. Chairperson, Educational Resources Commission - American Academy of Psychiatry and Law, Northern California Chapter

1982. Medical Advisor - Head Trauma Support Project, Inc., Sacramento, CA

1982. Outstanding Clinical Faculty Award - University of California, Davis, Department of Psychiatry, Residency Training Program

1992. Member - National Pain Foundation, Board of Directors

1983. Chairman - National Pain Foundation, Medical and Scientific Advisory Committee

1983. Faculty Recognition Award - University of California, Davis, Department of Psychiatry (Award for Forensic and Hypnosis Seminar Series)

1983. Co-Director - The Sacramento Symposium on Head Trauma Sponsored by the Head Trauma Support Project, Inc., The Easter Seal Society, and The University of California, Davis School of Medicine

1985. Director - Pain and Fitness Center of Houston, TX

1984. Member, Ad Hoc Advisory Board - Council on Scientific Affairs of the American Medical Association (Refreshing recollection by the use of hypnosis of witnesses and victims of crime)

1983-1990 Member - AMA Council on Scientific Affairs - Diagnostic and therapeutic Technology Assessment Board

1983. Board Certified (Forensic Psychiatry) - American Board of Forensic Psychiatry (1983) #136

1984. Medical Director - National Pain Foundation

1995. Assistant Clinical Professor Psychiatry - The University of Texas Health Science Center at Houston, School of Medicine, Houston, TX

1983-1996 Assistant Clinical Professor Psychiatry - Baylor College of Medicine, Houston, TX

1983-Present Adjunct Assistant Clinical Professor of Psychiatry - The University of Texas Health Science Center at Houston - Graduate School of Biomedical Sciences, Houston, TX

1992. Chairman, Board of Directors - National Pain Foundation, a charitable, nonprofit foundation (tax exempt) committed to the goals of professional education, public education and support of research concerning chronic pain

1991. Member - Ethics Committee, Houston Psychiatric Society

1991. Member - Quality Assurance Committee, Houston Psychiatric Society

1994. Associate Medical Director - Del Oro Institute for Rehabilitation

1989-Present President and Chief Executive Officer - Institute for Chronic Pain and Stress Inc.

1997. President and Medical Director - Center for Psychiatric Medicine, P.A.

1997. Director of Behavioral Medicine - Texas Pain and Stress Center

1990-Present President - Texas Institute for Behavioral Medicine and Neuropsychiatry, Inc.

1990-1991 Chairman - Quality Assurance Committee, Houston Psychiatric Society

1993. Chairman - Ad Hoc Quality Assurance Liaison Committee Houston Psychiatric Society and Greater Houston Hospital Council - Psychiatric Forum

1994. Councilor - Houston Psychiatric Society

1991. Chairman - Quality Assurance Symposium of Houston Psychiatric Society and Greater Houston Hospital Council

1993. Medical Review Officer - Continental Basketball Association

1992-Present Member - Government Affairs Committee, Texas Society of Psychiatric Physicians

1992-Present Member - Professional Standards Committee, Texas Society of Psychiatric Physicians

1993. Member - Ad Hoc Liaison Committee, Texas Society of Psychiatric Physicians and Texas Hospital Association - Psychiatric Constituency Council

1992-Present Member - Quality Systems Oversight Review Team for State Hospitals - Texas Department of Mental Health and Mental Retardation

1992. Program Director - Hospital Psychiatry Year 2000 - The University of Texas Medical School (12/04-5/92) at Houston, Department of Psychiatry and Houston Psychiatric Society

1993-1994 Chairman - Fellowship and Awards Committee, Houston Psychiatric Society

1998. Chairman - Professional Standards Committee, Texas Society of Psychiatric Physicians

1993-Present President, Medical Director - Free Clinic for Women: "Living and Coping with Cancer," Texas Institute for Behavioral Medicine and Neuropsychiatry, Inc.

1993. Participant - Texas Department of Mental Health and Mental Retardation - Revision of Informed Consent for Psychotropic Medications.

1993-1994 Chairman, Political Action Task Force, Texas Society of Psychiatric Physicians

2000-2001

1994-2000 Member: Texas State Board of Medical Examiners, District Review Committee for District 1, appointed and commissioned by the Honorable Governor Ann Richards - November 15, 1994, confirmed by Texas Senate, April 16, 1995.

1999. President and Medical Director - Quest HealthCare, P.A.

1999. President - Venture Health Management

1999. President-Elect - Texas Society of Psychiatric Physicians

2000. President - Texas Society of Psychiatric Physicians

2001. Immediate Past President - Texas Society of Psychiatric Physicians

2001. 1993-1994 Chairman, Political Action Task Force, Texas Society of Psychiatric Physicians

2000-Present Representative to the Assembly of District Branches - American Psychiatric Association, Texas Society of Psychiatric Physicians

2006. Chairman of the Ethics Committee - Houston-Galveston Psychoanalytic Institute

2007-2010 Chairman - Faculty Committee Houston-Galveston Psychoanalytic Institute

2007-2010 Member - Board of Directors, Houston-Galveston Psychoanalytic Institute

2007 Awarded Distinguished Service Award of Texas Society of Physicians

LIST OF PUBLICATIONS

- “Fasting and Alloxan Diabetes Effects on Intestinal Transport on Monosaccharides” - Master Thesis, 1968, University of Houston Press
- “Consumerism in Medicine,” 1977. Section of Report to Physicians National House Staff Association
- “Quality Assurance and State Responsibility, A Complicated Interface” - in progress
- “Comparison of Depot Fluphenazines - Duration of Action and Incidence of Side Effects” with Patrick Donlop, et al, 1974, Comprehensive Psychiatry, Vol. 17,p.369-376
- Above Abstracted, 1977, Psychiatric Digest
- “Current Trends in Treatment of Schizophrenia Study Project of the National Institute of Mental Health,” 1975, Hospital Physician

- "Fasting and Alloxan Diabetes Effects on Intestinal Transport of Monosaccharides" with A. L. Lawrence and R. L. Hazelwood, 1970, American Journal of Physiology, Vol.19.,No.4

- "Sample Criteria for Short Stay Hospital Review Screening Criteria to Assist PSRO's in Quality Assurance" (P.O. 92-603) with Claude Wench, et al, 1976, AMA-HEW U. S. Government Printing Office, 739 pages

- "Scientific Status of Refreshing Recollection by the Use of Hypnosis" with Martin T. Orne, M.D., et a., 1985, JAMA V.253, No.13, p.1918-1923

- "Introduction to Proceedings of Chronic Pain Symposium," 1990, Houston Medicine, V.6, No.2

- "Introduction to Proceedings of Chronic Pain Symposium," 1990, Houston Medicine, V.6, No. 3

- "The Role of Hypnosis in Multiple Convergent Management of Chronic Pain," 1990, Houston Medicine, V.6, No.3

- "Chapter 11 - Quality System Oversight" in State Hospital Reform - Why Was It So Hard to Accomplish?, 1998, Carolina Academic Press, David B. Pharis, Editor

- "Chapter 30.4 - Hypnosis" - David Axelrad, M.D.. Daniel Brown, Ph.D., ABPH, and Harold J. Wain, Ph.D., ABPP, in 9th Edition of the Comprehensive Textbook of Psychiatry, 2009, Lippincott Williams & Wilkins, Benjamin Saddock, M.D., Virginia Saddock, M.D., and Pedro Ruiz, M.D., Editors

MAJOR PRESENTATIONS

1974 Medical Education Conference, University of Michigan, School of Medicine

Paper - The Intern and Resident Emerging Responsibility for Medical Care and Medical Education

1974 Annual Meeting, Protestant Hospital Association

Paper - The Intern and Resident in the 80's

1980 Annual Meeting, Kaiser Hospital - Oakland, California

Paper - DSM-III and Forensic Psychiatry

1981 Annual Meeting, American Psychiatric Association

Paper - Madness and Justice in California

1981. Annual Meeting, The American Academy of Psychiatry and the Law

1981. Annual Meeting, The American Academy of Psychiatry and the Law

Paper - Chemical Toxicity, Posttraumatic Stress Disorder and Personal Injury Litigation

Paper - Mens Rea and Neuro-Psychology: Forensic Psychiatric Reasoning

1982. Paper - Richard Trenton Chase and Dan White: Dissolution of Diminished Capacity in California

1982 The Sacramento Symposium on Head Trauma - Easter Seals Society for Crippled Children and Adults Head Trauma Support Project, Inc., University of California, Davis School of Medicine Paper - Psychiatric Dysfunction: Organic or Functional Disease - A Psychiatric and Forensic Psychiatric Perspective

Paper - The Survivor's Syndrome and the Head Injured Patient

1987. Chronic Pain and the Primary Physician -1st Annual Scientific Meeting on the National Pain Foundation

Paper - The Role of Hypnosis in Multiple Convergent Pain Management in Chronic Pain

1988. Chronic Pain and the Primary Physician-2nd Annual Scientific Meeting of the National Pain Foundation

Paper - The Role of Hypnosis in Multiple Convergent Pain Management in Chronic Pain

1989. Behavioral Medicine Seminar Series - The Texas Pain and Stress Center - Upjohn Symposium, "Chronic Pain Management"

1990. Chronic Pain and the Primary Physician - 3rd Annual Scientific Meeting of the National Pain Foundation
Paper - The Role of Hypnosis in Multiple Convergent Pain Management in Chronic Pain

1989 Biofeedback Society of Houston
"Multiple Convergent Chronic Pain Management"

1989 Nursing Teaching Conference, HCA Medical Center Hospital
"Chronic Pain Management"

1989. Dupont Corporation
"Stress in Business"

1989 Shell Oil Company
"Stress Management for Administrative Staff"

1989 Exxon Corporation
"Stress Management: The Next Generation"

1989 HCA Center for Health Excellence
"Self-Hypnosis in Treatment of Stress"

1990. OB/GYN Associated Nurse Training
"Stress Management for Health Care Professionals"

1991. River Oaks Rotary Club
"Stress Management"

1990 Lions District Convention
"Stress Management"

1990 Dow Chemical Company
"Stress and Chronic Pain"

1990 Nursing Teaching Conference - HCA Woman's Hospital of Texas

“Hypnosis in Medicine”

1990 Fifth Annual Senior Expo

“Managing Chronic Pain and Stress”

1990 Upjohn Symposium

Discussion of Paper - Medicine, Media and Malpractice, by Dr. John Walker

1992. Quality Assurance Symposium of Houston Psychiatric Society and Greater Houston Council

Chairman's Address - “Implication of Quality Assurance in Psychiatric Care”

1991. Villa Rosa Hospital, San Antonio, Texas

Lecture - “Multiple Convergent Pain Management in the Treatment of Chronic Pain Patients”

1993. Fifth Annual Southwest Head Injury Symposium

“Role of Multiple Convergent Pain Management in the Treatment of Chronic Pain Associated with Closed Head Injury”

1992 The Woman's Hospital of Texas - Medical Grand Rounds

Lecture - “Treating Anxiety and Depression in Pregnancy and Postpartum”

1992 The Woman's Hospital of Texas - Mid Life Plus Group

Lecture - “Living with Chronic Pain”

1992 Baylor College of Medicine

Lecture - “Multiple Convergent Pain Management in the Treatment of Chronic Pain Patients”

1992 International Hypnosis Society - International Congress on Hypnosis - Jerusalem, Israel

Lecture - "The Role of Hypnosis in Multiple Convergent Pain Management of Chronic Pain Patients"

1992 Hospital Psychiatry Year 2000

Lecture - "The Development of Professional Standards in Psychiatric Hospitals"

"Challenge and Opportunity for Organized Psychiatry and The Hospital Medical Staff"

1994. HCA Center for Health Excellence

Lecture - "Behavioral Medicine and Chronic Pain"

1994 HCA Medical Center Hospital and the Texas Pain and Stress Center

Workshop - "Chronic Pain: What is it and How is it Treated?"

1994 American Cancer Society, Reach to Recovery Seminar, Houston, TX

"Behavioral Treatment for Pain Management"

1994 UTHSC. Department of Anesthesiology, Houston, TX

"Behavioral Treatment for Pain Management"

1994 National Alliance for the Mentally Ill (NAMI), Washington, D.C.

Presenter "Working Together for Change, A system for Real Hospital Improvement"

1994 TPA Annual Convention, Houston, TX

Forensic Assessment: An Example with Industrial Accident Victims with PTSD"

1994 Interstitial Cystitis Association, Houston, TX

"Multiple Convergent Management of Chronic Pain"

1994 American Psychiatric Association 46th Institute on Hospital and Community

Psychiatry Coordinator and Presenter - "Continuous Quality Improvement In Psychiatry"

1994. National Student Research Forum, Student American Medical Association, Co-

1995. Congress on Medical Education - American Medical Association, Federation of State Medical Boards

Paper - The Intern and Response to the Goals and Priorities Report of the National Board of Medical Examiners

1995 UTHSC - P.

1995 The Art of Healing Body, Mind and Senses, Houston Gulf Coast TAPAN - District One - "Healing Options for Chronic Pain"

1995 Radio Talk Show - KPRC, Houston, TX

"Organizing Your Life - Death, Taxes and Emotions"

1995 128th Annual Session TMA, Dallas, TX

"Unconventional Treatment of Chronic Pain: Hypnosis for Treatment of Chronic Pain"

1995 The University of Texas Medical School, Houston, TX

"Hilltop Rapist"

1995 Texas Department of Mental Health and Mental Retardation, Austin, TX

"Continuous Quality Improvement of Hospital Psychiatry"

1996. GY II Residents, Houston, TX

"Multiple Convergent Management of Chronic Pain"

1997 Texas Medical Association Workshop, Houston, TX

Lecture "Psychiatry and Chronic Pain"

1998 Channel 11 TV

Presentation series on "Chronic Pain"

1998 "Risk Management in Psychiatry" - Com Net Audio Telecommunication Network of the Texas Department of Mental Health and Retardation

1998 Member of Faculty, National Institute for Trial Advocacy - Habeas Institute:
Representing Death - Sentenced Clients in Post Conviction Proceedings"

1999. Austin Psychiatric Society
"Risk Management in Psychiatry"

2000. Greater Houston Area Chapter of the American Association for Medical
Transcription "Forensic Psychiatry"

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440 Louisiana, Suite 2050

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3700 Buffalo Speedway, Suite 560

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Lambert, Crystal

Lambert, Steven

Landry, Coty

Leal, Lena

Lebouef, Raymond

Lederer vs Amica

Lee vs Falcon Drilling, Co., Inc.

Letney vs Leviton Manufacturing

Lopez vs Lazo

Luckey, Gary

Lutes vs Northern Kentucky MHMR Regional Board

Luviano vs Nunn Constructors

Maglitto vs Goodyear

Mahoney vs Ernst & Young

Maiella, Linda

Mallow vs Brandt et al

Maloy, Wendell

Mangum, Rubyne

Mansfield, James "Brent"

Martin, Rose

Martin vs Walmart

Martinez, Angel (Nahun)

Martinez, Anthony

Martinez, Carmella

Martinez vs TIE

Martinez, Norma

Matthews vs Bradley Apt Homes

Maye, Sylvester

McBride, et al vs ObGyn Associates

McClure vs Kathleen Fogarty

McCarty, Keith

McCraven, Mike vs Pasadena Refining System

McDowell vs McDonald Management, et al

McElreath vs Randy Vanaugh and Star Cable Co.

McFarland vs. Brookshire

McFetridge

McGaha vs Waterbury Companies

McKenzie, Benjamin C. vs Offshore Service Vessels, LP

McKinley vs LA Transportation

McNeil, Jake vs BP

Mead vs Ford Motor Co

Meill, Elizabeth

Mickey, Douglas

Mickey vs. Woodford

Miles, D.

Miller, David vs Orion Marine Group Inc.

Miller, James vs BP

Mitchum, Danny

United States vs Miller, Jeffrey

Montalvo, Roland

Montano, Jesse

Montemarano, Jeremy

Moore, et al vs Beaumont Regional Medical Center et al

Moore, Stephen vs BNSF Railway Co.

Mora, Luis vs Home Depot

Morales, Heber

Morris vs Insurance Company of North America

Mosley vs Alcon

Mosqueda, Kim

Mosser, Terri

Mueller vs Allsteel, Inc., et al

Mumford vs Mumford

Murphy, Colleen

Murphy, Gary

Musselwhite vs Baltimore Orioles

Neal, Lester

Nelson vs Halliburton

Newin vs Hudson Group

Newton vs BP, Williams

Nguyen vs Land Rover

Nguyen, Andy

Nichols, Louis

Noel, Kurtis

Norris, Kevin

Nou et al vs. David Detmer

Nwanne, Eunice

O'Banion, Kisha

Oberlitner vs Cornell

Olgin, Celia

Olmeda vs Lowes

Odom, Anthony Jerome

Olmeda, Diana vs Lowe's

Onofre vs Erlinda Belvis and Mission Vista Hospital Co.

Ortega, Jessica

Ortiz, Baltazar

Ortiz, Jesus

Outlaw, David

Outler, Donald

Outley, Marcus

Paschal, Sandra

Pastore vs MacGregor Medical Association

Patel vs Christus GC Hospital

Patel vs Katy West Houston Ob Gyn, et al

Patrick vs BP

Patterson vs Shellman

Peavy vs BP

Permetti vs Kelsey Seybold

Perez, Edna

Perez, Jose